

# **CITY OF NEWPORT**

## **DOCKET OF THE COUNCIL MEETING**

### **JULY 10, 2013**

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on July 10, 2013, at 6:30 p.m.

#### ***PLEDGE OF ALLEGIANCE TO THE FLAG***

**CITIZEN'S FORUM:** (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. **PUBLIC HEARING:** Proposed Zoning Amendment to permit public utilities and facilities by right in the Commercial-Industrial Zone.  
(Continued from June 26, 2013)
  - a. Recommendation of the Planning Board
  - b. Ordinance amending Chapter 17.08.010, Definitions (adding "Public Utilities"); Section 17.64.020 ("Use Regulations"); and Section 17.88.020 (uses Requiring Development (First Reading))
2. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
  - a. Special Event Licenses:
    - 1) Japan America Society of RI, d/b/a 2013 Black Ships Festival;

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: [www.cityofnewport.com](http://www.cityofnewport.com) – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

**LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING. INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.**

- (a) Long Wharf, July 18, from 6:00 p.m. to 7:00 p.m.; July 20, from 11:00 a.m. to 4:00 p.m.
  - (b) Sister City Events; Touro Park, July 19, from 10:30 a.m. to 12 Noon; July 20, from 10:00 a.m. to 4:00 p.m.
  - (c) Sister City Gala; Marble House, Bellevue Ave., July 20, from 6:30 p.m. to 11:00 p.m.
  - (d) Taiko Drums; Cardines Field, July 21, from 12 Noon to 1:30 p.m.
- 2) Kitt Kites, d/b/a The Newport Kite Festival; Brenton Point State Park; July 13 & 14, 2013 from 12:00 to 4:00 p.m.
  - 3) Newport Yachting Center & Providence Roller Derby, d/b/a Roller Derby at Newport Yachting Center; July 21, 2013, from 3:00 p.m. to 7:00 p.m.
  - 4) Rui S. Reis, d/b/a Bazaar/Open Air Market; 595 Thames St. (parking lot); July 27 & 28, 2013 from 10:00 a.m. to 10:00 p.m.
  - 5) Newport Yachting Center, d/b/a Newport Summer Comedy Series (with Katt Williams); Newport Yachting Center, August 16, 2013 at 7:00 p.m. and 9:45 p.m. (ending at 11:30 p.m.)
  - 6) Fort Adams Trust, d/b/a 15<sup>th</sup> Annual Newport Storm Luau; Fort Adams State Park, August 17, 2013, from 4:30 p.m. to 10:00 p.m.
  - 7) St. Joseph's Church, d/b/a St. Joseph's Harvest Festival; St. Joseph's Church, 5 Mann Ave., November 2, 2013, from 10:00 a.m. to 4:00 p.m.
  - 8) RI Arts Foundation at Newport, Inc., a/k/a Newport Music Festival, d/b/a 2013 Classical Music Concerts:
    - (a) ♪ The Breakers, 44 Ochre Pt., July 12-16, 18, 20, 26, 27, from 9:00 p.m. to 11:00 p.m.; July 16, 18, 20, from 7:00 p.m. to 8:00 p.m., and July 17, 21, 23, 25, 28, from 8:00 p.m. to 10:00 p.m.

- (b) ♪ The Elms, 367 Bellevue Ave., July 12, 15, 16, 21, 23, 25, from 11:00 a.m. to 1:00 p.m.
  - (c) ♪ Community College of RI, 1 John H. Chafee Blvd., July 12, 15, 19, from 4:00 p.m. to 6:00 p.m.
  - (d) ♪ The Elms Tent, 367 Bellevue Ave., July 13, 14, 19, 20, 26, 27, 28, from 11:00 a.m. to 1:00 p.m.; July 13, 16, 20, 21, from 2:00 p.m. to 4:00 p.m.; July 14 from 4:00 p.m. to 6:00 p.m.
  - (e) ♪ Stanford White Casino Theatre, 9 Freebody St., July 17, 18, 22, 24, from 11:00 a.m. to 1:00 p.m. and from 4:00 p.m. to 6:00 p.m.; July 22, 24, from 8:00 p.m. to 10:00 p.m.
  - (f) ♪ Touro Synagogue, 85 Touro St., July 21, from 5:00 p.m. to 7:00 p.m.
  - (g) ♪ Newport Art Museum, 76 Bellevue Ave., July 23, 25-28, from 4:00 p.m. to 6:00 p.m.
  - (h) ♪ St. John the Evangelist Church, 59 Washington St., July 23 and 24, from 11:00 p.m. to 12 Midnight.
- b. Drain Layer License, Renewal:
- (1) H. Lacerda Landscaping and Construction, LLC, 465 Oliphant Lane, Middletown, RI
  - (2) D'Libro Excavating, Inc., 5 Daisy St., West Warwick, RI
- c. Drain Layer License, New, Ricci Drain Laying Co., Inc., 19 Lily St., Providence, RI
- d. Holiday Selling License, New, R&R Communication, Inc., 9 Farewell St.
- e. Fortuneteller's License, Renewal, Marie Miller, 427 Thames St.

- f. Victualing License, New, James Ruggieri, d/b/a Newport Pretzel Bakery, 387 Thames St. Unit 1 (receive and refer to the Zoning Board)
- g. Solid Waste Hauler License Renewals:
  - 1) Rambone Disposale Service, Inc., 81 Peck Hill Rd., Johnston, RI
  - 2) M & M Disposal, Inc., 46 Shun Pike, Johnston, RI
  - 3) ABC Disposal Service, Inc., 1245 Shawmut Ave, New Bedford, MA
  - 4) Pasquazzi Bros., Inc. /Heather Construction Corp., 464 Dyer Ave., Cranston, RI
  - 5) Patriot Disposal Co. Inc., 2208 Plainfield Pike, Johnston, RI
  - 6) Island Rubbish Service, Inc., 8 Swinburne St., Jamestown, RI
  - 7) Roll-A-Way Disposal, Inc., 86 Knight St., Warwick, RI
  - 8) CWPM, LLC, 25 Norton Place, Plainville, CT
  - 9) RPKK, Inc., P.O. Box 126 Wood River Jct, Richmond, RI
  - 10)Waste Haulers, LLC, 85 Douglas Pike, Smithfield, RI
- h. Solid Waste Hauler License, New, Northeast Distributors, Inc., 700 East Ave, Warwick, RI
- i. Holiday Selling License Renewals:
  - 1) Greg Jordan/Andrew Borer, d/b/a House of Scrimshaw, 132 Thames St.
  - 2) Greg Jordan/Andrew Borer, d/b/a New Store The, 101 Swinburne Row
  - 3) Greg Jordan/Andrew Borer, d/b/a Newport's Best T's & Sweatshop, 107 Swinburne Row
  - 4) Greg Jordan/Andrew Borer, d/b/a Souvenir Stop, 115 Swinburne Row
  - 5) Greg Jordan/Andrew Borer, d/b/a Souvenir Stop II, 359 Thames St.
  - 6) Greg Jordan/Andrew Borer, d/b/a T Shirt Town, 182 Thames St.
  - 7) Zara Trading Inc., d/b/a Rib & Rhein, 86 William St.
- j. Communication from George J. Botelho, Jr., 109 Second St., asking permission to close Second St., between Sycamore St. and VanZandt Ave., on July 27, 2013, from 4:00 p.m. to 8:00 p.m. for the Seventh Annual Block Party. (Approve subject to details being worked out with the city administration.)
- k. Communication from The Historic Hill Association regarding the

restoration of the fence surrounding The Stone Mill in Touro Park  
(Refer to city administration for a recommendation)

1. Communication from Alexander G. Walsh, Esq., on behalf of the Newport Yachting Center, requesting to work out a sound variance formula with city administration that is satisfactory to both parties. (Receive and refer to city administration)
- m. RI House of Representatives Resolution H6085 and RI Senate S0913 reiterating Support for the concept of Bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County as a Family Attraction, Education and Job Training Center, Disaster Relief Facility, Museum, and Memorial (Receive)

### **LICENSES & PERMITS**

8. Application for a Second-hand License, New, Sandra (a/k/a Shana) Gaines, d/b/a Vintage to Vogue, Long Wharf Mall, North Side (Hearing)
9. Application for a Holiday Selling License, New, Sandra (a/k/a Shana) Gaines, d/b/a Vintage to Vogue, Long Wharf Mall, North Side.
10. Application of 22 Bowen's Wharf Wine Bar & Grille, LLC, d/b/a 22 Bowen's Wharf Wine Bar & Grille, 22 Bowen's Wharf, to expand its Victualing License to a 587 sq. ft. deck on the southeast side of the building.

### **11. COMMUNICATIONS & PETITIONS**

#### **■ Council Liaison Updates:**

Council/School Committee- Triplett School

### **APPOINTMENTS TO BOARDS & COMMISSIONS**

**Energy and Environment Commission** – Reappointment of Doug Sabetti

**Historic District Commission-** (2 Vacancies): Applicants- Nicholas Maione, Donald O. Ross, Joanna Salvo, John J. Slocum, Jr., Diana Sylvaria

## **RESOLUTIONS**

12. Directing the City Administration to correct clerical errors in the FY14 Operating Budget, and to provide a report on the School Department's projected budget shortfall and the feasibility of a supplemental appropriation – M. Farley, M. Camacho
13. Directing the Newport Waterfront Commission to present a re-drafted waterfront ordinance to the Council for public hearing together with recommended changes by October 1, 2013. – M. Farley
14. Requesting the City Solicitor to propose modifications to the City's nuisance ordinance – M. Farley, K. Leonard, J. Napolitano, M. Camacho
15. Directing the City Administration to recover underpaid taxes on real property by EBCAP and opposing House Bill 6213 and any expansion of exemptions which the East Bay Community Action Program is already entitled under RIGL 44-3-3 – M. Farley
16. Newport Yacht Club Lease – M. Farley
17. Newport & Bristol County Convention and Visitor's Center – M. Farley
18. Sister City Program – M. Farley

## **ORDINANCES**

19. Amending Chapter 10.32, entitled, "Residential Parking Program," Section 10.32.110, "Designated Residential Parking Streets, Paragraph A (6 pm to 6 am), to ADD Congdon Avenue. (Second Reading)
20. Amending Chapter 12.32.010, entitled, Closing hours of parks and beaches generally..." Paragraph F, to provide that the Easton's Pond Berm shall be closed for public use between sunset and sunrise. (First Reading)
21. Amending Chapter 1.14.180, entitled, "Violation of Chapter 10.20, Parking Generally," to provide that a vehicle whose operator parks in a designated taxicab stand may be subject to towing. (First Reading)
22. Amending Chapter 10.20.170, entitled, "Towing by Police Division," to include any vehicle parked in a designated taxicab stand contrary to Section 10.64.010.

## **COMMUNICATIONS FROM THE CITY MANAGER**

23. Action #5178/13, re: Broadway Streetscape Improvements-RIDOT Agreements (with accompanying resolution)
24. Action #5179/13, re: Award of Bid #13-082-Easton's Beach Railing Restoration (with accompanying resolution)
25. Action #5180/13, re: Award of Bid #13-091-Sidewalk and Bluestone Improvement Program 2013 (with accompanying resolution)
26. Action #5181/13, re: Change Orders for Bid #13-063 Easton's Beach Facility Restoration (with accompanying resolution)
27. Action #5182/13, re: Ann Street Pier Extension-RIDEM Agreement (with accompanying resolution)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS.

## **BOARD OF LICENSE COMMISSIONERS**

1. **CONSENT CALENDAR** . (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
  - a. Class F-1 Daily Liquor License, Fort Adams Trust, d/b/a Newport Storm Luau, Fort Adams State Park, August 17, 2013, from 4:30 p.m. to 10:00 p.m.
  - b. RI Arts Foundation at Newport, Inc., a/k/a Newport Music Festival, d/b/a 2013 Classical Music Concerts:
    - (1) ♪ The Breakers, 44 Ochre Pt., July 12-16, 18, 20, 26, 27, from 9:00 p.m. to 11:00 p.m.; July 16, 18, 20, from 7:00 p.m. to 8:00 p.m., and July 17, 21, 23, 25, 28, from 8:00 p.m. to 10:00 p.m.
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### **LICENSES & PERMITS**

- 2. Application of 22 Bowen's Wharf Wine Bar & Grille, LLC, d/b/a 22 Bowen's Wharf Wine Bar & Grille, 22 Bowen's Wharf, to expand its Class BV alcoholic beverage license to a 587 sq. ft. deck on the southeast side of the building. (Hearing)
- 3. Application of Mach, LLC, d/b/a Sambar, 515 Thames St., to transfer its Class BV alcoholic beverage license to Radish Patch, LLC, d/b/a Stoneacre Pantry, for the same premises. (Hearing)

### **ADJOURN**

Laura C. Swistak  
Deputy City Clerk

July 3, 2013